

Further Submission on Proposed Waitomo District Plan

(Closing date: Friday the 28th of July 2023 at 5pm)

To: Waitomo District Council
Queen Street,
PO Box 404
Te Kūiti 3941.

Email: districtplan@waitomo.govt.nz

Further Submission from: Manulife Forest Management (NZ) Ltd

Submitter contact details: Sally Strang (Environment Manager)

Phone: 0274 779 015

Email: sstrang@manulife.com

Postal address: Manulife Forest Management (NZ) Ltd
PO Box 646
Tokoroa 3444

I am a person representing a relevant aspect of the public interest as a representative of an organisation operating within the Waitomo District.

MFM (NZ) wishes to speak to this submission.

If others make a similar submission we would not consider presenting a joint case.

MFM NZ's submissions are set out in the attached table.



Signature:

Date: 28 July 2023

Attachment 1: Further submission by MFM (NZ) on Proposed Waitomo District Plan

Original Submitter	Sub No.	Submission	Support/ Oppose	Reason	Decision sought
Forest & Bird	47.05	New Definition: <i>Vegetation Clearance or Removal</i>	Oppose	The plan does not use the term ' <i>vegetation clearance or removal</i> '. The words 'clearance' and 'removal' are used in the plan. It appears that Forest and Bird want this definition to apply wherever the word clearance or removal which will unless fully explained will be confusing. Including the clearance or removal of exotic vegetation within the definition when the use of the terms in the rules specifically states that it relates to clearance or removal of indigenous vegetation will result in further confusion. In most instances removal of exotic vegetation from within an SNA is not intended to be controlled. If there is a desire that some exotic vegetation is retained where it has significant habitat values this requires a more nuanced approach.	Reject submission for new definition 'Vegetation Clearance or Removal'.
Forest & Bird	47.75	Clause 2 of the submission seeks inclusion of a policy to identify and protect other areas that meet the criteria in the WRPS including through resource consenting processes	Oppose in part	The National Policy Statement for Indigenous Biodiversity (NPS IB) has now been released and includes new SNA criteria to be applied nationally. It also requires that District Plans must identify all areas that meet SNA criteria including the location and a map of the area. Following that approach there can be no requirement for further SNA assessments by landowners.	Reject Clause 2 of the submission.
Forest & Bird	47.93	ECO-P8 <i>Forestry Setbacks</i>	Oppose	This submission completely changes the intent of the policy that was intended to apply to continuous cover forestry or sustainable harvest, of indigenous species. The requirement to set back forestry 500m from SNAs is impractical given existing plantation forests contain SNAs embedded within them.	Reject submission and retain ECO-P8 as WDC drafted.

Original Submitter	Sub No.	Submission	Support/ Oppose	Reason	Decision sought
Forest & Bird	47.94	ECO-P9 Forestry Setbacks	Oppose	<p>A requirement to avoid plantation forestry harvest in an SNA creates a practical issue where mapping boundary errors have occurred. As it currently stands Waitomo District has not intended to map any exotic plantation forestry as SNA. Therefore, the only reason that exotic plantation forestry would be located within an SNA is due to a mapping boundary error, which occurs commonly. Most district plans allow for the harvest of exotic plantation forest from within an SNA boundary given it is due to a mapping error only.</p> <p>The proposed requirement that new plantation forests should be set back at least 1km from SNA's listed in Schedule 6 or otherwise identified is completely impractical and overly conservative in the Waitomo District where there have been minimal issues with wilding spread into native vegetation from plantation forests.</p>	Reject proposed changes to policy P9.
Forest & Bird	47.99	Amendment to the introduction to Table 1 to apply to both SNAs in Schedule 6 and areas that meet the significance criteria.	Oppose	Tas noted above this approach is not consistent with the NPS IB which requires that areas that meet SNA criteria are mapped in District Plans.	Reject proposed change and retain the approach that the rules in Table 1 apply to mapped SNA only.
Forest & Bird	47.120	Amendment to ECO-R17 to make it a prohibited activity	Oppose	MFM NZ is not opposed strong controls on afforestation within SNAs. We are opposed to controls on harvesting plantation forestry that is mapped within the boundary of an SNA simply due to mapping boundary errors.	Reject submission to make harvesting of existing plantation forest from within the boundary of an SNA a prohibited activity.
Forest & Bird	47.121	ECO: New Rule Proposal	Oppose	The proposed new Table 2 controlling clearance of any indigenous vegetation regardless of significance or origin, goes well beyond the intent of the RMA and the NPS IB.	Reject submission to introduce a new Table 2 containing controls on vegetation outside of the SNA.

Original Submitter	Sub No.	Submission	Support/ Oppose	Reason	Decision sought
		<i>Indigenous vegetation clearance outside of SNAs</i>		<p>As proposed, it would apply to planted vegetation, understory of exotic plantations, amenity plantings outside of gardens and indigenous species planted specifically for the purpose of harvesting. Any new rule framework for indigenous vegetation clearance outside of SNAs needs to be clearly thought through and consistent with the new NPS IB. As currently proposed, it would be a strong deterrent to planting indigenous species.</p> <p>Any rules to achieve this outcome must be developed to be consistent with the NPS IB and should go through a consultation process given the far reaching implications for landowners.</p>	
Forest & Bird	47.122	ECO: New rule proposal for indigenous vegetation clearance for mineral extraction or quarrying.	Oppose	The new rule is unnecessary. Vegetation clearance within SNAs is already controlled under Table 1, and given there is not exemption for this situation, vegetation clearance for mineral extraction or quarrying would fall under rule ECO-R16.	Reject submission to introduce a new rule specifically for mineral extraction and quarrying.
Forest & Bird	47.123	ECO: New Rule Proposal <i>Vegetation setbacks</i>	Oppose	A new rule for vegetation clearance setbacks from waterways is not required. It is already covered in Chapter 27 Natural Character.	Reject submission to avoid duplication.
Forest & Bird	47.124	ECO: New Rule Proposal <i>Protection of mobile species in exotic vegetation</i>	Oppose	The intention of the new rule to identify and protect significant habitat is supported for short-tailed bats. However for long-tailed bats, monitoring has shown that long-tailed bats are commonly found in exotic vegetation including in many exotic plantation forests, including after multiple rotations of harvesting. A blanket approach of requiring protection of all long-tailed bat habitat including areas used for roosting, foraging and travelling	Reject submission or amend it to exclude the protection of long tailed bat habitat within exotic plantation forests, given pending national direction.

Original Submitter	Sub No.	Submission	Support/ Oppose	Reason	Decision sought
				<p>has potentially far-reaching consequences for forestry and other landowners, and goes well beyond what is necessary to maintain long-tailed bat populations in production forests at least.</p> <p>MFM NZ is aware that MPI and MfE are working on developing guidance and protocols for management of long-tailed bats and other highly mobile species that utilise plantation forests. If successful, this would be incorporated into the NES PF framework. This is a far more efficient and effective approach than each District separately developing different rule frameworks and approaches for the same species.</p>	
Forest & Bird	47.129	Addition of principles for Biodiversity offsets into Appendix 4	Oppose	The principles of biodiversity offsetting in Appendix 4 duplicates Appendix 3 of the NPS IB and is worded differently which is unnecessary and confusing. The NPS IB should take precedence now that it is released.	Reject submission to include new principles and/or use the principles as worded in the NPS IB.
PF Olsen	Item 7, Page 11	EW-R6 <i>Plantation forestry earthworks</i>	Support	Earthworks associated with Plantation Forestry are regulated under the NES-PF and there is no ability for councils to develop more stringent rules. The PF Olsen submission clearly articulates the issue and a logical solution.	Amend EW R6 as proposed.
PF Olsen	19.20	Noise rule R8	Support in part	PF Olsen correctly points out that helicopter operation is an essential part of plantation forestry is overly restricted.	Accept the submission to provide for emission of noise from helipads used for primary production activities as a permitted activity.
PF Olsen	19.21	Advice Note 6	Support in part	PF Olsen correctly identify that noise from the 8 plantation forestry activities regulated through the NES PF is regulation under the NES PF. However noise from other activities in plantation forests is not.	Retain the exemptions in the advice note for plantation forestry activities not covered by the NES PF, but add an additional advice note in relation to the NES PF noise regulations as per PF Olsen submission 19.22 below.

Original Submitter	Sub No.	Submission	Support/ Oppose	Reason	Decision sought
PF Olsen	19.22	Advice Note	Support in part	MFM NZ supports the inclusion of an advice as proposed, noting it should be amended to correctly reflect the NES PF provisions.	Accept the submission to include an advice note regarding regulation 98 of the NES PF noting that it applies to 'plantation forestry activities' defined and regulated under the NES PF.
PF Olsen	19.24	GRUZ P1	Support	PF Olsen correctly points out that a policy that requires that agricultural, pastoral and horticultural activities must predominate in the rural zone and excludes plantation forestry is picking winners amongst rural land uses and is contrary to the governments emissions reduction plan. It is also contrary to the goals of Waikato Plan Change 1 for the parts of the district that are within the Waipa catchment. It is also noted that plantation forestry already predominates in some parts of the Waitomo District and conversion of those plantation forests to farmland is no longer possible even if landowners wished to, due to a range of regulatory restrictions on forest to farm conversions (ETS, NES Freshwater, Waikato Plan Change 1).	Accept the submission.
PF Olsen	19.26	GRUZ R16	Support	As noted by PF Olsen, the NES PF regulates plantation forestry activities with the council's ability to write more stringent rules limited to those aspects detailed in regulation 6 of the NES PF. The additional matters in relation to drinking water supply and forestry quarrying are not covered by regulation 6.	Accept the submission to delete rule GRUZ R16.
Department of Conservation	53.06	New definition – Bat Protection Area	Oppose in part	MFM NZ is supportive of identification of bat protection areas for short-tailed bats. However monitoring has shown that long-tailed bats are commonly found in exotic vegetation including in many exotic plantation forests, including after multiple rotations of harvesting. A blanket approach of requiring protection of all long-tailed bat habitat including areas used for roosting, foraging and commuting has potentially far-reaching consequences for forestry and other landowners, and goes well beyond	Reject submission or amend it to exclude the protection of long tailed bat habitat within exotic plantation forests, given pending national direction.

Original Submitter	Sub No.	Submission	Support/ Oppose	Reason	Decision sought
				<p>what is necessary to maintain long-tailed bat populations in production forests at least.</p> <p>MFM NZ is aware that MPI and MfE are working on developing guidance and protocols for management of long-tailed bats and other highly mobile species that utilise plantation forests. If successful, this would be incorporated into the NES PF framework. This is a far more efficient and effective approach than each District separately developing different rule frameworks and approaches for the management of bats in plantation forests.</p>	
Department of Conservation	53.10	Amendment to the definition of forestry quarry	Oppose	The proposed amendment makes no change to the regulation of vegetation clearance for forestry quarrying as proposed in the District Plan, given forestry quarrying is regulated under the NES for Plantation Forestry, and under that instrument clearance of indigenous vegetation is already considered separately to the activity. The proposed amendment will make no change in effect and will just add complexity having different definitions for an activity administered under a different instrument.	Reject submission to change the definition.
Department of Conservation	53.11	New Definition: <i>Significantly Natural Areas</i>	Oppose	The newly released NPS IB makes it clear that local authorities must undertake a process to identify and map areas of vegetation that meet the SNA criteria, thus providing certainty to all parties involved. The proposed change goes against the requirements of the NPS IB.	Reject submission for new definition of 'Significantly Natural Areas'.
Department of Conservation	53.30	New policy ECO-X	Oppose in part	The text indicates a requirement that ongoing assessment of areas that meet the SNA criteria in the WRPS is undertaken through resource consent processes. As noted above, the recently released NPS IB makes it clear that local authorities must map areas that meet SNA criteria.	Reject submission to include the new policy, or alternatively make it clear in the policy that the requirement to undertake assessments of new areas that meet SNA criteria is to be undertaken by the District Council

Original Submitter	Sub No.	Submission	Support/ Oppose	Reason	Decision sought
					and implemented via plan change processes only.
Department of Conservation	53.34	New Policy EcoPx: Protection of bats	Oppose in part	As noted above, long-tailed bats commonly forage and roost in production forests, therefore a policy to protect all bat habit could have far reaching consequences. The management of bats is intended to be managed at a national level via guidance and protocols developed by MPI and MfE at a national level.	Reject submission or amend it to exclude the protection of long tailed bat habitat within exotic plantation forests, given pending national direction.
Department of Conservation	53.44	New permitted activity rule Eco-Rx Clearance of trees in a Bat Protection Area	Oppose in part	As noted above, long-tailed bats commonly forage and roost in production forests, therefore a rule to protect all bat habit could have far reaching consequences. The management of bats is intended to be managed at a national level via guidance and protocols developed by MPI and MfE at a national level.	Reject submission or amend it to exclude the protection of long tailed bat habitat within exotic plantation forests, given pending national direction.
Department of Conservation	57.72	Creation of a Bat Management Plan	Oppose in part	While MFM NZ is not in principle opposed to development of bat management plans developed by species specialists, long-tailed bats are present throughout NZ and it would be inefficient for every District to separately develop bat management plans, with potentially different approaches in each district. For plantation forest owners this could lead to different rules in different parts of their estates, and even different parts of the same forest where they span district boundaries. It is far more efficient for this to be developed nationally as is proposed for plantation forestry.	Reject submission and support national approaches to development of species management plans and guidance.
Waitomo District Council	26.03	Amend Rule Noise R8 to not apply to the general rural, rural production and natural open space zones and remove the noise limit.	Support in part	Helicopter operations are a routine and essential part of the routine operation of activities in the rural zone and should be allowed for as a permitted activity. The rule is somewhat confusingly laid out, including the statement that the rule does not apply to, as a condition of the activity. It would be clearer and more consistent with other sections to specify the zones that the rule does apply to.	Amend Rule R8 as sought but consider a clearer and more logical layout to make it fully clear which zones the rule does and does not apply to, and remove clause 4 which becomes redundant.

Original Submitter	Sub No.	Submission	Support/ Oppose	Reason	Decision sought
Federated Farmers	46.04	Delete the note in the 'how the plan works' chapter that any activity not expressly provided for within the plan is a non-complying activity	Support	As Federated Farmers point out this provision has the potential to create perverse consequences if legitimate activities have not been covered within the plan. We note that the overall land use of plantation forestry is not actually expressly provided for the general rural zone, only certain aspects of forestry activities. Under this approach in theory plantation forestry becomes a non-complying activity under the District Plan (noting that for forestry the NES for Plantation Forestry would prevent that).	Amend the advice note as sought.
Te Nehenehenui Trust	50.33	Schedule 3 Sites and areas of significance to Māori	Support in part	MFM NZ also supports the inclusion of Schedule 3 to identify sites and areas of significance to Māori. However in a further review of the plan we have noted a possible error in schedule 3 for sites located within Maraeroa C forest (sites SSM061-A and SSM062-A appear to be the same site) and in the accompanying district plan mapping which shows the locations of the sites of significance in different locations to the NZAA record for the same site. Errors in the mapping and schedules will potentially create confusion in future.	Retain Schedule 3 as sought by TNN but recheck the descriptions and associated mapped locations for sites located within Maraeroa C Forest (Lot 2 DP 447176) to ensure they are correct. MFM NZ would be happy to provide the information that we have to help to check and correct both.